

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA VIDAL,  
*et al.*,

*Plaintiffs,*

V.

ELAINE C. DUKE, *et al.*,

*Defendants.*

No. 1:16-cv-04756 (NGG) (JO)

STATE OF NEW YORK, *et al.*,

*Plaintiffs,*

V.

DONALD TRUMP, *et al.*,

*Defendants.*

No. 1:17-cv-05228 (NGG) (JO)

## NOTICE OF FILING OF ADMINISTRATIVE RECORD

Pursuant to Magistrate Judge Orenstein's September 27, 2017 case management and scheduling order, *Vidal* ECF No. 67, Defendants in the above-captioned matters hereby file the Administrative Record,<sup>1</sup> which is attached to this filing as Exhibit 1 and includes the following documents:

<sup>1</sup> The filing of this Administrative Record is not a concession that the decision of the Acting Secretary is subject to judicial review.

DATE	DOCUMENT
June 15, 2012	Janet Napolitano, Secretary of Homeland Security, <i>Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children</i>
November 19, 2014	Karl R. Thompson, Principal Deputy Assistant Attorney General, Office of Legal Counsel, Memorandum Opinion for the Secretary of Homeland Security and the Counsel to the President, <i>The Department of Homeland Security's Authority to Prioritize Removal of Certain Aliens Unlawfully Present in the United States and to Defer Removal of Others</i>
November 20, 2014	Jeh Charles Johnson, Secretary of Homeland Security, <i>Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents</i>
February 16, 2015	<i>Texas v. United States</i> , 86 F. Supp. 3d 591 (S.D. Tex. 2015)
November 25, 2015	<i>Texas v. United States</i> , 809 F.3d 134 (5th Cir. 2015)
June 23, 2016	<i>Texas v. United States</i> , 136 S. Ct. 2271 (2016)
February 20, 2017	John Kelly, Secretary of Homeland Security, <i>Enforcement of the Immigration Laws to Serve the National Interest</i>
June 15, 2017	John Kelly, Secretary of Homeland Security, <i>Rescission of November 20, 2014 Memorandum Providing for Deferred Action for Parents of Americans and Lawful Permanent Residents ("DAPA")</i>
June 29, 2017	Letter from the Attorney General of Texas, Ken Paxton, to the Attorney General of the United States, Jefferson B. Sessions III
August 1, 2017	Letter from Congressman John Lewis to the Acting Secretary of Homeland Security, Elaine C. Duke
August 1, 2017	Letter from Congressman Raul M. Grijalva, <i>et al.</i> to President of the United States Donald J. Trump
August 22, 2017	Letter from Congressman Daniel M. Donovan, Jr., <i>et al.</i> to President of the United States Donald J. Trump
September 4, 2017	Letter from the Attorney General of the United States, Jefferson B. Sessions III, to the Acting Secretary of Homeland Security, Elaine C. Duke
September 5, 2017	Elaine C. Duke, Acting Secretary of Homeland Security, <i>Rescission of the June 15, 2012 Memorandum Entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children"</i>

**CERTIFICATION OF ADMINISTRATIVE RECORD**

I, David J. Palmer, Chief of Staff, Office of the General Counsel at the United States Department of Homeland Security, certify that, to the best of my knowledge, the Administrative Record attached to this filing as Exhibit 1 is a true, correct, and complete copy of the non-privileged documents that were actually considered by Elaine C. Duke, the Acting Secretary of Homeland Security, in connection with her September 5, 2017 decision to rescind the June 15, 2012 Memorandum Entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children."

Dated: October 6, 2017

A handwritten signature in black ink, appearing to read "D. J. Palmer", is written over a horizontal line.

DAVID J. PALMER  
Chief of Staff, Office of the General Counsel  
United States Department of Homeland Security

Dated: October 6, 2017

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General

BRIDGET M. ROHDE  
Acting United States Attorney

BRETT A. SHUMATE  
Deputy Assistant Attorney General

JENNIFER D. RICKETTS  
Director

JOHN R. TYLER  
Assistant Branch Director

BRAD P. ROSENBERG  
Senior Trial Counsel

/s/ Stephen M. Pezzi  
STEPHEN M. PEZZI  
KATE BAILEY  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue NW  
Washington, DC 20530  
Phone: (202) 305-8576  
Fax: (202) 616-8470  
Email: [stephen.pezzi@usdoj.gov](mailto:stephen.pezzi@usdoj.gov)  
D.C. Bar No. 995500

JOSEPH A. MARUTOLLO  
Assistant U.S. Attorney  
United States Attorney's Office  
Eastern District of New York  
271-A Cadman Plaza East, 7th Floor  
Brooklyn, NY 11201  
Tel: (718) 254-6288  
Fax: (718) 254-7489  
Email: [joseph.marutollo@usdoj.gov](mailto:joseph.marutollo@usdoj.gov)

*Counsel for Defendants*